

BRINDELL AGREES TO DROP HIS APPEAL

Five Pending Indictments
Canceled Upon That
Agreement.

UNTERMYER OPPOSES

Would Keep Them Alive as
Deterrent Against Prison-
ers' Release.

Upon his agreement not to pursue an appeal which he has taken from the judgment convicting him of extortion, and by virtue of which he is serving a sentence of from five to ten years in Sing Sing prison, Robert P. Brindell, former "czar of the building trades unions" will not be required to stand trial on five other indictments which are outstanding against him. Brindell was convicted last February as a result of the Lockwood committee's investigation into housing conditions.

The five pending indictments are for extortion and attempted extortion, and Justice McAvoy of the Supreme Court, who presided at his trial and sentenced him to prison, disposed yesterday of a motion to dismiss them by agreeing to do so if Brindell would abandon his appeal. The offer to serve his sentence out if the indictments would be dropped was made two weeks ago. Samuel Untermyer, who prosecuted him as Special Deputy Attorney-General, opposed the motion on the ground that as a matter of public policy it would be best to keep the indictments alive even if there was no intention of prosecuting them as a deterrent against possible unlawful activities by Brindell when he was released from prison.

In disposing of the motion yesterday Justice McAvoy said in part:

"The indictments against this defendant have but one likelihood of ever being prosecuted, but the appeal now pending may result in reversal and dismissal of the indictment on which conviction has been had. In that event there would be a public duty to proceed on another charge."

"The deterrent effect of a pending indictment is not of any force while the person accused is already convicted and spending a term in prison. The punishment is the striking example that restraint betokens the power of the State. No reason has been given for holding these other indictments on the docket longer."

"The defendant offers to abandon his appeal and to withdraw his right to a hearing thereon. If defendant be advised by counsel that his appeal is futile and ought to be withdrawn and an order is made withdrawing all pending indictments will be dismissed."

TRIES HARD, FAILS TO BREAK INTO JAIL

Contractor Is Home Despite
Efforts to Reach Cell.

Charles J. Pluckhan, steel contractor for the American Theater, on Bedford Avenue, Brooklyn, which collapsed and killed seven workmen, will pass Christmas to-day at his home, 2083 Lexington Avenue, Brooklyn, and, fortified by the holiday, will start out again Tuesday in a renewed effort to break into jail. Pluckhan was arrested after the disaster as he was about to board a steamer for his old home in Germany, and was bailed out by a bonding company, which took his passport and passage ticket as part security and the guaranty of Joseph Gaydica, a structural iron man, for the other part. Gaydica, it is said, changed his mind a few days ago and withdrew his guaranty. The bonding company took Pluckhan in one of its automobiles and tried to surrender him to the warden of the city prison.

The warden announced that the Corporation Counsel said a man had to be surrendered to the arresting officer and therefore he refused to look up Pluckhan. The Vernon Avenue police station, because the arresting officer was off duty or had resigned or was sick or gone for the holidays or something, refused him also. Magistrate Folwell in the Gates Avenue court said it was no case for him. He said it again yesterday when Pluckhan and the bonding representative made another appeal to have the affair straightened out.

CURB'S CELEBRATION INCLUDES CHILDREN

Santa Distributes Gifts to
Jazz Accompaniment.

The Christmas celebration yesterday on the floor of the new Curb Exchange in Trinity place was one of the best affairs of its kind ever attempted in the financial district. Hundreds of children from the neighborhood were in the building and, after seeing an entertainment, shook hands with Santa Claus and received from him a package of toys. Some were given dolls, others received horns and popguns, and drums were presented to the older boys.

The program consisted of a circus and vocal and instrumental music. The circus acts included performances of trained animals and acrobats and a sparring match. The children howled themselves hoarse at the antics of the clown. Irene Franklin sang for the big crowd, estimated at 1,500, and when she sang old songs with which the child guests were familiar they raised their voices with hers and made the building fairly shake with the volume of their singing. Lively airs were played by a jazz band while the youngsters were filling by the gift booth in which Santa stood.

The New York Stock Exchange was unable to have its regular annual Christmas celebration because of the torn up condition of its building.

LOSSES BRING ABOUT PARCEL POST CHECK

Short Paid Postage Said to
Total \$250,000 a Year—
Offices Start Weighing.

That the United States Government loses more than \$250,000 annually through the mailing of short-paid parcel post packages has been disclosed in an order issued to all employees of post offices throughout the country by Hubert Work, First Assistant Postmaster-General, cautioning extreme care in handling such mail matter.

The order states that a recent checkup disclosed the fact that hundreds of packages are slipping by the postal employees with insufficient postage attached, and directs that at a certain period each month a sufficient number of parcels shall be weighed to demonstrate to the satisfaction of inspectors that parcels are not slipping through the mails without the correct amount of postage.

Postmaster Edward Morgan, at the General Post Office, said that the orders were being carried out to the letter in all post offices in this city, and that especially during the Christmas rush particular care was being taken by the inspectors to see that correct postage was being placed on all packages.

Other post office officials said that the majority of the parcels which slipped by with insufficient postage came from large firms which sent packages in bulk. They also pointed out that in the matter of more than \$100,000,000 revenue which the post office takes in annually, the matter of a quarter million is not much of an item. It was said a rough estimate probably would show that it would cost more than that amount to increase the force of clerks in order to check up on the packages more minutely.

It was also pointed out that in thousands of cases packages are over-stamped and persons place more than the proper amount. Whether this would make up the \$250,000 deficit was not estimated.

50 YEARS SERVICE WIN 23 MEN \$250 CHECKS

Singer Employees in Elizabeth
Get Christmas Gifts.

Twenty-three employees of the Singer Sewing Machine Company in Elizabeth received checks of \$250 each yesterday as a reward for fifty years of service for the company. In presenting the checks Walter F. Dixon, the superintendent, announced that nine more employees would be eligible for checks next Christmas and that they would not be forgotten. The oldest employee has worked in the Singer plant fifty-eight years.

Among the fifty year men who were surprised by the management were Herbert E. Noon, head of the needle department, and Harry J. Cox, head of the assembling department.

SARANAC PHYSICIAN SLAIN BY A PATIENT

Gassed War Veteran Then
Points Gun at Policeman,
but Is Overpowered.

Special Dispatch to THE NEW YORK HERALD. SARANAC LAKE, N. Y., Dec. 24.—Dr. Robert C. Paterson, tuberculosis specialist, was shot three times and killed in his office this afternoon by William Grant R. Johnson of New Lebanon, N. Y., an ex-service man who is said to be unbalanced.

Johnson was captured after a pistol battle with police and civilians. He told the police he killed Dr. Paterson because the physician had separated him from his family and nephews. It is supposed from this that Dr. Paterson had written to Johnson's relatives suggesting that the man be placed under restraint on account of his mental trouble.

Johnson, after taking treatment here for a year for the effects of gas received overseas, went home in September. He returned this afternoon on a motor bus and went at once to Dr. Paterson's waiting room, where he took his turn with other patients. As soon as he entered the door of the physician's inner office he began shooting. Two shots struck Dr. Paterson in the abdomen and one in the chest. Dr. J. Woods Price said that any of the three wounds would have caused death.

Johnson told the police he tried to kill himself after shooting Dr. Paterson, but his pistol jammed. He took a slant in the street in front of the home of the late Dr. E. L. Trudeau and pointed the weapon at Patrolman M. M. Jones, who came running to arrest him. Jones fired at Johnson, as did several civilians, none of the bullets taking effect.

Todd B. Duryea, tenor in a church choir, jumped on the ex-soldier's shoulders from behind and brought him down. He surrendered his pistol to Patrolman Jones and told him he had pointed it in the hope Jones would shoot and kill him. It is not believed Johnson fired a shot after killing Dr. Paterson.

Mrs. Paterson ran down stairs at the first shot and into her husband's office, falling in a faint at his feet just as the last shot was fired. Had she not fallen it is believed she would have been struck.

Dr. Paterson was born in Canada and had been in Saranac Lake twelve years, coming originally for his health. He was graduated from McGill University in 1902. He was a member of the American Medical Association, American Climatological Association, American Pathological and Bacteriological Society, National Tuberculosis Association, and the Franklin County and New York State Medical societies. His wife and two children survive.

PACHITCH FORMS CABINET.

BELOGRADE, Yugo-Slavia, Dec. 24.—After a twenty day ministerial crisis, precipitated by the resignation of the Pachitch Ministry, M. Pachitch has succeeded in forming a new Cabinet. He has the collaboration of the Socialists, Radicals, Democrats, Musulmans and Slovene peasants.

DEBS LEAVES PRISON FOR HIS HOME TODAY

Brother and N. Y. Socialist
Arrange for Trip From At-
lanta to Indiana.

ATLANTA, Dec. 24.—Eugene V. Debs was notified formally to-day that his ten year sentence had been commuted to expire to-morrow, and as far as could be learned he received the tidings calmly, reserving any comment he might care to make until he is actually outside the walls of the Atlanta Federal Penitentiary.

Detailed instructions as to the hour of release had not been received at the prison to-night, but following ordinary procedure the Socialist leader would be allowed to leave to-morrow at any time suitable to him.

All arrangements for departure for his home in Terre Haute, Ind., for a Christmas reunion with his wife and

family have been made by Theodore Debs, brother of the prisoner, and David Karstner, a Socialist of New York, both of whom have been here for several days. His plans for the future are to be made after arrival home, his friends said.

The Government will provide transportation, \$5 in cash and a complete outfit of civilian clothes which Debs may wear if he desires. He had his choice between a dark blue or brown suit, but the other garments are uniform and include a felt hat.

The Socialist leader has been rooming in the hospital building most of the time since he has been in the prison here, and does not mingle with the other inmates generally. No outsiders have seen him recently, it was said by J. E. Dyche, warden. His brother and friends here are waiting to welcome him outside the gates.

WASHINGTON, Dec. 24.—Announcement was made at the Department of Justice to-night that the complete text of the recommendations from Attorney-General Daugherty to President Harding in the Debs case would be made public soon and also would be distributed in pamphlet form throughout the country. This action was to be taken, it was explained, in order that the public might be fully informed on just what grounds commutation of sentence was ordered.

WIDOW MUST AWAIT INSURANCE RETRIAL

Appellate Division Finds Er-
ror in Judgment for
\$1,057.

The Appellate Division in Brooklyn yesterday reversed a decision of the Supreme Court which had granted a judgment in favor of Mrs. Rose T. Donaldson of 374 Eighth Street, Brooklyn, against the Catholic Benevolent Legion, a fraternal organization. The decision affects 1,200 certificate holders,

according to Edward J. Connolly, counsel for the organization.

Mrs. Donaldson is the widow of John H. Donaldson, who was at one time president of the Concord Council of the legion. He died November 24, 1919. He had been a member of the legion since 1896, holding a certificate for \$2,000.

When he died, his wife sought to collect the full amount, but was reminded that under by-laws passed in 1917 she was only entitled to \$1,074. She sued for the remainder and received a judgment for \$1,057 additional.

The Appellate Division set this verdict aside, stating that the court erroneously construed the contract between the society and the beneficiary as including only the certificate itself and failed to consider that the contract also included the by-laws in question. A new trial was ordered.

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